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license.ATTACHMENT 3  
ENVIRONMENTAL ANALYSIS FOR  
SITE DEVELOPMENT PERMIT APPLICATION  
PA 15 NEWPORT RIDGE MASS GRADING  
INITIAL STUDY/ADDENDUM PA 00-0118**

**INTRODUCTION:** This initial study analyzes the project and its impacts and their level of significance as required by the State of California Environmental Quality Act (Public Resources Code §21000 et seq. "CEQA Statutes" and California Code of Regulations §15000 et seq. "CEQA Guidelines").

This Addendum has been prepared to address proposed remedial and conventional grading in Planning Area PA 15 of the Newport Ridge Planned Community, including the extension of Ridge Park Road. Regarding the methodology employed in this document, the current SDP application and proposed development is analyzed relative to previous assumptions, approvals and environmental documentation.

Although not located within the Newport Coast Planned Community, grading of PA 15 will result in the export of earth material into Newport Coast Planning Areas 2C and 5. This movement of earth was approved as part of the Coastal Commissions August 10, 2000 approval of the 7<sup>th</sup> Amendment to the Newport Coast Master Coastal Development Permit.

**PROJECT DESCRIPTION:** The Project consists of the following individual requests:

**Site Development Permit**

A Site Development Permit to allow construction activity in Planning Area 15 of the Newport Ridge Planned Community:

- Remedial grading of approximately 1,000,000 cubic yards to correct geotechnical problems on the site;
- Export of approximately 1,200,000 cubic yards of fill dirt from Planning Area 15 of the Newport Ridge Planned Community to Planning Areas PA 2C and PA 5 of the Newport Coast Planned Community/Local Coastal Program.
- Grading and preparation of several super pads for future residential development.

**Grading Permit**

The applicant requests a grading permit to allow mass grading, based upon the approval by the California Coastal Commission.

## **PROJECT LOCATION/EXISTING CONDITIONS:**

The project site is located southerly of the San Joaquin Hills Transportation Corridor, northerly and easterly of the extension of Ridge Park Road on the northerly boundary of the Newport Coast Local Coastal Program/Planned Community.

The current project site is part of a larger project of an approximately 1,132-acre (gross) and consisting of Planning Area PA 15 of the Newport Ridge Planned Community and Planning Areas PA 2C (portion), PA 5, PA 6, PA 12A, PA 12E and PA 12G of the Newport Coast Planned Community. The Newport Coast portion of the site is within the boundaries of the MCDP 7<sup>th</sup> Amendment Appeal, as approved by the California Coastal Commission on August 10, 2000.

The subject project includes a Site Development Permit (SDP) to allow remedial and conventional grading in Planning Area PA 15 of the Newport Ridge Planned Community, the creation of super pads for future residential development and the extension and construction of Ridge Park Road.

## **CEQA BACKGROUND/STANDARD OF REVIEW:**

### **Legislative Intent Of CEQA:**

The Legislature's intent in enacting the California Environmental Quality Act is identified in Section 21000(g) of Chapter 1 of Division 13. Environmental Quality (the State CEQA Statutes) of the Public Resources Code. CEQA emphasizes the following:

It is the intent of the Legislature that all agencies of the state government which regulate activities of private individuals, corporations, and public agencies, affecting the quality of the environment, shall regulate such activities so that major consideration is given to preventing environmental damage, while providing a decent home and a satisfying living environment for every Californian.

### **Standard Of Review:**

The CEQA Statutes and Guidelines state that in the case of a subsequent project, the standard of review for the project is the previously prepared and approved and/or certified Mitigated Negative Declaration or Final EIR, respectively. Applied to the proposed project, the standard of review consist of Certified FEIR 544A, prepared for Phase III, Certified FEIR 569, prepared for the original approval of the 7<sup>th</sup> Amendment MCDP for Phase IV-3 and Phase IV-4 of the Newport Coast Planned Community/Local Coastal Program and California Coastal Commission Appeal of the 7<sup>th</sup> Amendment to the MCDP. The geographic scope of these documents, as pertains to the proposed project, is as follows:

<p style="text-align: center;"><b>ENVIRONMENTAL DOCUMENTS</b></p> <p style="text-align: center;"><b>PROVIDING BASIS FOR ADDENDUM</b></p>		
<b>CEQA Document</b>	<b>Planning Area Covered</b>	<b>Feature(s) Incorporated</b>
FEIR 544A	PA 2C, PA 6-1 and portion of PA 5 in NCPC/LCP & PA 15 in NRPC.	Soils & Geology, Grading, Biology, NCCP, Traffic, Cultural, Public Services
FEIR 569	Planning Areas PA 5, PA 6, PA 12A, PA 12E and PA 12G	Soils/Geology, Grading, Biology, NCCP, Traffic, Cultural, Public Services
CCC Appeal Number A5-IRC-99-301 - .7 <sup>th</sup> Amendment to Master CDP	Approved Planning Area boundary changes and land use changes to Planning Areas PA 2C, PA 5, PA 6, PA 12A, and PA 12E.	Incorporated State of the Practice drainage and water quality measures, Enhancement of Biological sensitive resources and Revised grading plans.

Section 21166 of the California Environmental Quality Act (CEQA, Pub. Res. Code §21000, et seq.) sets the standard to determine whether another EIR should be prepared when an original EIR has been prepared. Section 21166 states:

When an environmental impact report has been prepared for a project pursuant to this division, no subsequent or supplemental environmental impact report shall be required by the lead agency or by any responsible agency, unless one or more of the following events occurs:

- (a) Substantial changes are proposed in the project, which will require major revisions of the environmental impact report.
- (b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.
- (c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

**7<sup>th</sup> Amendment MCDP Appeal as Substitute CEQA Document**

CEQA Statutes §21080.5 notes that Certified Regulatory Programs of state agencies are exempt from the California Environmental Quality Act. CEQA Guidelines §15252 allows the use of a substitutes document for a CEQA document from a certified program.

Under the criteria of §15252, the 7<sup>th</sup> Amendment to the MCDP, as revised and approved by the California Coastal Commission on August 10, 2000, constitutes a substitute document for CEQA

documentation for Planning Areas PA 2C, PA 5, PA 6, PA 12A, and PA 12E, based upon the following qualifiers:

- The Staff Report documents provide a description of the proposed activity; and
- The documentation includes detailed analysis and incorporates mitigation measures which the California Coastal Commission adopted to avoid or reduce any significant or potentially significant effects that the project might have on the environment.
- The Coastal Commission reports, technical documents and resolution included a detailed analysis of potential impacts of the following environmental issues:
  - Existing and proposed on-site grading,
  - Biological Environmental Sensitive Habitat Areas (ESHAs);
  - Beach sedimentation;
  - Drainage; and
  - Water quality improvements

Final action by the Coastal Commission included the adoption of Mitigation Measures to reduce potential impacts to below the level of significance.

**CEQA Test For Adequacy:**

For subsequent projects, the key to §21166 and §15162 is to determine if any circumstances have changed or new information of substantial importance has become available, the results of which are dramatic enough to justify repeating a substantial portion of the environmental documentation process.

The new project must be evaluated in light of the findings and conclusions reached with the previous project. In this manner, the new project is tiered from the previously approved project. Evaluation is done in the County of Orange via the CEQA Checklist for Subsequent Projects developed by the Planning & Development Services Department to implement CEQA review for subsequent projects.

The examination of proposed revisions to the previously approved projects (Phase III and Phase IV-4) will result in one of four possible scenarios:

- If the review concludes that none of the changes noted in Section 15162 has occurred, and all of the proposed revisions fall squarely within the review, conclusions and findings of the original project, the previously certified EIR is adequate. No new document is required.
- Per Section 15164 of the Guidelines, if the review concludes that the proposed revision requires only minor changes, additions, modifications and clarifications to the original EIR documentation, and none of the changes noted in Section 15162 have occurred, an Addendum to the original EIR

may be prepared. The decision-maker must make a finding that the EIR and Addendum, together, serve as adequate CEQA documentation for the proposed revisions.

- If proposed changes to the project are major but do not create or identify "new" significant impacts, a Negative Declaration may be prepared.
- In the worst-case scenario, if the review of the revised project concludes with the determination that the previous EIR is not adequate, then a Subsequent EIR or Supplemental EIR will be required.

**Explanation of Addendum:**

According to CEQA Guidelines Section 15164(a) The Lead Agency may prepare an Addendum to a previously certified EIR if:

1. None of the conditions described in Section 15162 calling for the preparation of a Subsequent EIR have occurred; and/or
2. Only minor technical changes or additions are necessary to make the EIRs under consideration adequate under CEQA; and/or
3. The changes to EIR 544A and EIR 569 made by the Addendum do not raise important new issues about the significant effects on the environment. Final EIRs 544A and 569 were certified as final and adequate on June 27, 1995 and July 22, 1998, respectively, for Phase III and Phases IV-3 and IV-4 of the Newport Coast Planned Community/Local Coastal Program.

**Decision To Prepare An Addendum:**

Analysis of the proposed grading plan for Planning Area PA 15 in the Newport Ridge Planned Community indicates that changes related to the proposed project are of a minor nature. Therefore, this initial study serves as an Addendum to the previously Certified Final EIRs 544A and 569, per Section 15164 of the California Environmental Quality Act Guidelines.

The changes to the Certified Final EIRs made by this Addendum do not raise important new issues about potential significant effects on the environment. The County of Orange has determined that only minor technical changes to Certified EIRs 544A and 569 are necessary in order to properly address the current Project. Therefore, this Addendum has been prepared for the project and will be considered by the County of Orange, as appropriate.

**EXHIBIT 1**  
**REGIONAL LOCATION MAP**

**EXHIBIT 2**  
**PROJECT LOCATION MAP**

**EXHIBIT 3**  
**AERIAL PHOTO OF PROJECT SITE**



## **METHODOLOGY:**

The methodology used in the review and evaluation of the proposed project for compliance with the California Environmental Quality Act (CEQA) and the County of Orange Environmental Procedures is as follows:

- A. A detailed review was conducted, consisting of all available documents addressing the environmental effects of the previously approved projects including the previously Certified Final EIRs 544A and 569 for the 4<sup>th</sup> and 7<sup>th</sup> Amendments, respectively, to the Master Coastal Development Permit;
- B. Documents related to the Appeal of the 7<sup>th</sup> Amendment MCDP to the California Coastal Commission, consisting of the technical reports and refinements incorporated into the project as a result of the Appeal.
- C. The examination of the proposed project was conducted based upon the County of Orange Environmental Procedures. The environmental analysis also used the County of Orange Subsequent Project CEQA Checklist, which is patterned upon the California CEQA Statutes and Guidelines, but tailored to the provisions of Section 15162 of the CEQA Guidelines.
- D. Mitigation measures were brought forward that are relevant to the proposed project.

The following is the analysis of the subject proposal and compilation of pertinent mitigation measures derived from Certified FEIR 544A, prepared for Phase III of the Newport Coast, and Planning Area 15 of Newport Ridge Planned Community. The analysis also refers to relevant discussions from the 7<sup>th</sup> Amendment Appeal of the Coastal Commission. These mitigation measures have been updated to reflect the latest requirements of CEQA and Orange County ordinances, policies and guidelines.

### **1. LAND USE & PLANNING. Would the project:**

- a) Conflict with general plan designation or zoning?*
- b) Conflict with applicable environmental plans or policies of agencies with jurisdiction over the project?*
- c) Disrupt or divide the physical arrangement of an established community (e.g. low income, minority)?*
- d) Conflict with adjacent, existing or planned land uses?*

The land uses in both Phase III and Phase IV-4 have already been found consistent with the County's General Plan, Zoning Code and Local Coastal Program requirements. The project is located in the sphere of influence (future incorporation area) for the City of Newport Beach. Portions of the project area are located adjacent to Muddy Canyon, and special landscaping and maintenance methods have been incorporated into the project to ensure compatibility with the open space area and the County's NCCP. This is discussed further under the Biological Resources section later in this document.

## **2. AGRICULTURE. Would project:**

- a) Convert Farmlands listed as "Prime", "Unique" or of "Statewide Importance" as shown on the State Farmland Mapping and Monitoring Program, to non-agricultural use?*
- b) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?*

The proposed grading activities are not located in an area that has been designated as agriculture. In addition, the site earth materials are not considered “prime, unique or of statewide important” and therefore no impacts to agricultural resources is anticipated. No mitigation measures are necessary.

## **3. POPULATION & HOUSING. Would project:**

- a) Cumulatively exceed adopted regional or local population projections?*
- b) Induce substantial growth in an area directly or indirectly through project in an undeveloped areas or extension of major infrastructure?*
- c) Displace existing housing affecting a substantial number of people?*

No increases in population or housing will occur with the proposed revisions. No additional impacts are identified beyond those previously analyzed in FEIR 544A and FEIR 569. Mitigation measures are not required.

## **4. GEOPHYSICAL. Would the project result in or expose people to impacts involving:**

- a) Local fault rupture?*
- b) Seismicity: ground shaking or liquefaction?*
- c) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?*
- d) Landslides or mudslides?*
- e) Erosion, changes in topography or unstable soil conditions from excavation, grading or fill?*
- f) Subsidence of the land?*
- g) Expansive soils?*
- h) Unique geologic or physical features?*

Chapters 4.2 of certified FEIR 544A and FEIR 569 discuss the seismic hazard and soil disposition of the Phase III and Phase IV-4 areas, respectively. Excerpts from those documents are included below.

### **Seismic**

Both previous approvals address the potential seismic impacts and incorporated mitigation measures to reduce these potential impacts to below a level of significance. Revisions to the

project area will not affect the previous seismic findings. No additional mitigation is necessary for the seismic and soil aspects of the revised project.

### **Grading & Landform Alteration**

#### **FEIR 544A**

Chapter 4.3 of FEIR 544A addressed grading and landform alteration. FEIR 544A identified landform alteration in the inventory of unavoidable adverse impacts that significant impacts would result in the cut and fill areas, and that there would be modifications of contiguous topographic features. These significant impacts can be minimized through requirements of previous approvals, standard conditions and incorporating sensitive project design. However, these impacts will not be eliminated. A Statement of Overriding Consideration was adopted during the approval and certification process for FEIR 544A. There will not be a significant change in topography or ground surface relief features beyond that already addressed in EIR 544A.

#### **FEIR 569**

The LCP originally certified in 1988 clearly showed in map and text form the filling of a Category D ESHA in the upper portion of the Muddy Creek watershed. At the time of the 1988 certification, this ESHA was located in Planning Area 6. A map depicted the ESHA as a Category D, and the text listed the removal of a Category D ESHA in PA 6.

In 1996, a rearrangement of land uses was approved, and the LCP recertified. In the rearrangement of land uses, the boundary between PAs 5 and 6 changed, and the Category D ESHA became located in new Planning Area 5. However, due to clerical error the listing of Planning Areas wherein “D” ESHAs may be removed failed to include PA 5. Therefore, although the ESHA is still shown, the list in the LCP failed to include the pertinent planning area.

It is noteworthy that the ESHA in this case has been replaced by an enhanced natural riparian corridor in roughly the same position as this ESHA.

The revised project has resulted in slight modification of proposed grading to accommodate the changes to the drainage conveyance system, including:

- Slight Variation in Internal Grades;
- Limits of Grading Reduced from Previous Approval.

The proposed project will not result in impacts beyond those identified in FEIR 544A, FEIR 569 and Coastal Commission Appeal Number A5-IRC-99-301. No new mitigation measures are required.

## **Geology/Soils**

The following Project Design Features (PDFs) and Standard Conditions for grading activities have been previously incorporated into the project and are brought forward from previous approvals:

### **Project Design Features**

***PDF 1** Per the Site Development Permit (SDP), contour grading techniques will be used whenever possible along Ridge Park Road, as well as along the interior private streets to achieve the appearance of a gradual transition between manufactured and natural slopes. This PDF will be verified through plan check by the Manager, PDSD, Subdivision & Grading Services Division, for grading plans along these roads.*

***PDF 2** Per the Site Development Permit (SDP), there will be remedial grading to correct several areas of geologic instability within and adjacent to the project site. Approximately 1,194,000 cubic yards of earth will require removal and replacement according to Orange County Standards. This PDF will be verified through the grading permit process by the Manager, PDSD, Subdivision & Grading Services Division, prior to issuance of grading permits.*

***PDF 3** The project design will conform with the recommendations of the geotechnical and structural engineers and geologists of this project, the Structural Engineers Association of California, and the Uniform Building Code 1991 and/or other local governing agencies' codes or requirements. This PDF will be verified through the grading permit process by the Manager, PDSD, Subdivision & Grading Services Division, prior to issuance of grading permits.*

### **Standard Conditions**

***SC 1** Prior to the recordation of the first final tract/parcel map or issuance of the first grading permit for projects located immediately adjacent to or including portions of regional parks, significant open space corridors, or other environmentally sensitive areas, the project proponent shall provide evidence acceptable to the Manager, PDSD Subdivision & Grading Services Division, in consultation with the Manager, PFRD, HBP Division, that graded areas will be compatible with natural land characteristics of the adjacent areas. Treatment to achieve the desired effect shall include:*

- a. Smooth and gradual transition between graded slopes and existing grades using variable slopes ratios (2:1-4.1); and*
- b. Urban Edge Treatment/Landscaping Plan(s) for all graded areas adjacent to open space; and*
- c. Incorporating architectural and design techniques into the project in order to enhance off-site views attained from within parks and other environmentally sensitive areas. (SC G3)*

*Prior to the issuance of a grading permit, the applicant shall submit a geotechnical report to the Manager, PDSD Subdivision & Grading Services Division, for approval. The report shall include the information and be in a form as required by the Grading Manual (SC G1).*

The following mitigation measures are brought forward from previous EIRs (FEIR 544A and FEIR 569) prepared for the Newport Coast Planned Community.

#### **Mitigation Measure #1**

Prior to issuance of a grading permit, the project applicant shall submit plans indicating measures to avoid expansion potential. Measures should include pre-saturation of sub-grade soils, increased reinforcement of concrete elements, increased foundation embedment, use of post-tensioned grade beams and floor slabs, blanketing the surface with non-expansive compacted fill, blending expansive soils with non-expansive soils, chemical stabilization, and increased jointing of buildings and improvements, as recommended by the geotechnical engineer.

#### **Mitigation Measure #2a**

Prior to the issuance of a grading permit, in locations where harder earth and rock materials are noted and difficult ripping may be encountered, a geophysical survey shall be required to identify areas requiring blasting. Any necessary blasting will be done utilizing COSHA and County standards regarding acceptable levels of associated shaking. The survey shall meet the approval of the Manager, PDSD Subdivision & Grading Services Division.

#### **Mitigation Measure #2b**

Prior to the issuance of a grading permit, the applicant shall indicate on the grading plans the location of proposed oversized placement. The geotechnical review report for the grading plan should include the specific details for placement of oversized materials. This measure will be verified during plan check by the Manager, PDSD Subdivision & Grading Services Division.

#### **Mitigation Measure #3**

The Project Design plans shall specify removal of existing uncertified fill, topsoil, colluvium, alluvium, and weathered bedrock prior to the development of areas proposed to support structures and other improvement areas. This measure will be verified prior to issuance of a grading permit, thereby meeting the approval of the Manager, PDSD Subdivision & Grading Services Division.

#### **Mitigation Measure #4a**

Stability hazards in cut and fill slopes will be mitigated by construction of buttresses, stabilization fills, fill keys, and conversion of cut slopes to fill slopes. Canyon filling and building setbacks may be necessary above steep natural slopes.

Construction of a buttress and/or replacement of all or a portion of the cut slope with a stabilization fill will be implemented so that the slope meets the minimum 1.5 factor of safety. Preliminary buttress designs are planned for the graded SJHTC slope condition, as well as for a daylight to the existing condition, should construction of the SJHTC be delayed. This measure will be verified through plan check by the Manager, PDSD Subdivision & Grading Services Division prior to issuance of grading permits in PA 15.

#### **Mitigation Measure #4b**

Temporary back cut slopes steeper than 1:1 should not be constructed during remedial grading for bedding conditions and, depending on field conditions, may need to be less steep. Stability of critical back cut slopes shall be additionally analyzed during final grading design, and mitigation measures should be provided on a case-by-case basis. Stability hazards in retaining wall back cuts and trenches may be satisfactorily mitigated by observing safe standard construction regulations and procedures, such as those of COSHA and local governmental agencies. This measure will be verified through the grading permit process by the Manager, PDSD Subdivision & Grading Services Division, prior to issuance of grading permits.

#### **Mitigation Measure #5**

Compressible/collapsible materials will be excavated and removed, or recompact to prevent ground settlement in all areas of project development. The type and sizes of all foundations for structures in the area of project development will be designed in accordance with design recommendations of the project geotechnical engineer to minimize the potential for ground settlement impacts. This measure will be verified through the grading permit process, by the Manager, PDSD Subdivision & Grading Services Division, prior to issuance of grading permits.

#### **Landform/Topography**

### **PROJECT DESIGN FEATURES**

*PDF 4 As specified in the Newport Coast LCP, Resource Management and Conservation Policies, and the special provisions of the Newport Ridge Planned Community Program document, as well as the Master CDP or Site Development Permit (SDP), the overall massing of the development will conform to the existing landform (characteristic of Mediterranean hilltowns) to form a gradual transition between manufactured and natural slopes. To implement this feature, the following aspects are included in the project design:*

- *Contour grading of residential areas to implement a smooth and gradual transition between graded and natural slopes; undulating fills blending into adjacent contours; variety of slopes to reflect a more natural appearance;*
- *A series of cul-de-sacs terracing into hillsides and integrating into the natural topography of the site;*
- *Numerous overviews within development areas result from topographically conforming site layout and earthwork.*
- *Retaining walls only as required to achieve the topographic variation within each of the Development Areas;*
- *Contour grading along Street, Ridge Park Road and interior private streets to enact a gradual transition between manufactured and natural slopes.*

*The project will be developed in accordance with the grading plan and tentative tract maps, which reflect the landform design features above. The Manager, PDSD Subdivision & Grading Services Division will verify these features during the plan check process.*

**PDF 5** *Grading will be permitted within the Newport Ridge Planned Community outside of an area of immediate development provided that:*

- a) grading shall be confined to the development planning areas shown on the Concept Grading Plan (or as directed by the geologist in the field to meet code requirements), except in areas that are designated for open space uses<sup>1</sup> and*
- b) the Coastal Development Permit shows all areas of grading inside and outside of the immediate area of development.*

**PDF 6** *The landscape and grading plans shall include provisions for temporary erosion control consistent with Land Use Plan requirements on all graded sites which are scheduled to remain unimproved between October 15 and April 15 of any year.*

## **STANDARD CONDITIONS**

**SC 2** *Prior to the issuance of any grading permits, if review of the grading plan for this property by the Manager, PDSD Subdivision & Grading Services Division, indicates significant deviation from the proposed grading illustrated on the approved tentative tract map, specifically with regard to slope heights, slope ratios, and pad evaluations and configuration, the plan shall be reviewed by the Subdivision Committee for finding of substantial conformance. Failure to achieve such a finding will require processing a revised tentative tract map; or, if a final tract/parcel map has been recorded, a new tentative tract/parcel map or a site development permit application per Orange County Zone Code Section 7-9-139 and 7-9-150 (SC G2).*

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<sup>1</sup> Grading is permitted in open space areas for infrastructural facilities pursuant to LCP Policy I-3-C-2b.3.  
PA 00-0118 (PA 15 Mass Grading) Project Description  
November 30, 2000

## **5. HYDROLOGY & DRAINAGE. Would the project:**

- a) Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in manner which would result in:
  - i) Substantial erosion or siltation on- or off-site?
  - ii) A substantial increase in the rate or amount of surface runoff in manner which would result in flooding on- or off-site?*
- b) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?*
- c) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?*
- d) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam, or inundation by seiche, tsunami, or mudflow?*

### **Drainage**

The Refined Master Drainage and Runoff Management Plan (RMDRMP) were originally established in 1989 to provide a comprehensive drainage plan for all of Newport Coast. The drainage plan for the project site is part of the overall RMDRMP. Standard conditions and mitigation measures pertinent to the proposed project are included below.

### **STANDARD CONDITIONS**

*SC 3 Prior to issuance of building permits or precise grading permits, whichever comes first, the permit applicant shall submit for approval of the Manager, PDSD Subdivision & Grading Services Division, in consultation with the Manager, PFRD Program Development Division, a proposal specifically identifying Best Management Practices (BMPs) that will be used on site to control predictable pollutant runoff.*

*This proposal shall identify the structural and non-structural measures specified in the Countywide NPDES Drainage Area Management Plan Appendix that detail implementation of BMPs whenever they are applicable to a project and the assignment of long-term maintenance responsibilities (specifying the developer, parcel owner, maintenance association, lessee, etc.); and shall reference the location(s) of structural BMPs (SC WQ1). These source control measures are articulated in the NPDES Permit No. CA 09106895, and include such measures as first flush diversion, detention/retention basins, infiltration trenches/basins, porous pavement; oil/grease separators, grass swales, wire contractors, education programs, and maintenance practices. Individual merchant builders will be required to demonstrate consistency with the proposal required by this condition.*

*The BMPs shall incorporate the guidelines previously outlined in the Refined Master Drainage and Runoff Management Plan, Newport Coast Planned Community Development (Rivertech Inc., September 1989), and Orange County NPDES Stormwater Program, Drainage Area Management Plan (April, 1993).*



*SC 4 Prior to issuance of grading permits, applicant shall obtain coverage under the NPDES statewide Industrial Stormwater Permit for General Construction Activities from the State Water Resources Control Board. Evidence that this requirement has been met shall be submitted to the Manager, PDSD Subdivision & Grading Services Division, in consultation with the Chief, PFRD, Program Development Division, and Environmental Resource section.*

*SC 5 Prior to the issuance of any building permits, the applicant shall participate in the applicable Master Plan of Drainage in a manner meeting the approval of the Manager, PDSD Subdivision & Grading Services Division, including payment of fees and the construction of the necessary facilities.*

*SC 6 Prior to issuance of any grading permit, the developer shall submit to the Manager, PDSD Subdivision & Grading Services Division, for review/approval, an Erosion Control Plan that shall identify site-specific measures for the control of siltation, sedimentation and other pollutants per the Orange County Grading and Excavation Code. Such a plan shall include preparation and approval of the plan prior to construction, instructions for storm events, normal and emergency procedures, as well as procedures following storm events. Standard erosion control measures shall be installed for the project as required according to County standards. The following erosion control measures shall be incorporated into the project-grading plan, as required during construction by the County of Orange PDSD and the Regional Water Quality Control Board (Santa Ana Region) during the rainy season (October 15 to April 15).*

- A. Sandbags shall be placed across streets where necessary, depending upon size of catchment and sediment yield.*
- B. Erosion control at the sediment sources shall be emphasized during construction.*
- C. A stand by crew shall be available for emergency work during the rainy season. Necessary materials shall be available on site, and shall be stockpiled at convenient locations to facilitate rapid construction of temporary erosion control devices when rain is imminent.*
- D. Removable protective erosion control devices shall be put in place at the end of each working day when the five-day rain probability forecast exceeds 40 percent.*
- E. All erosion control measures shall be implemented in conformance with the requirements of the Grading and Excavation Code of the County of Orange. All construction shall be conducted with provisions for the control of sand, dust, and debris originating at the construction site. Appropriate areas shall be contained with berms, desilting basins, or similar structures to prevent runoff during construction operations.*
- F. Prior to issuance of the building permits, landscape and erosion control plans shall be reviewed and approved by the Manager, PDSD Subdivision & Grading Services Division. Temporary mulching, seeding, landscaping, permanent erosion control, or other suitable stabilization measures shall be included as part of the project in order to protect exposed areas during and after construction, and shall be noted on project plans.*

*SC 7 Prior to the recordation of a final tract/parcel map or to the issuance of any grading permits, whichever comes first, the applicant shall, in a manner meeting the approval of the Manager, PDSD Subdivision & Grading Services Division:*

- 1. Design provisions for surface drainage; and*
- 2. Design all necessary storm drain facilities extending to a satisfactory point of disposal for the proper control and disposal of storm runoff; and*
- 3. Dedicate the associated easements to the County of Orange, if determined necessary.*

*Prior to the recordation of a final tract/parcel map or to the issuance of any certificates of use and occupancy, whichever occurs first, said improvement shall be constructed in a manner meeting the approval of the Manager, PFRD Construction Division.*

*SC 8 Prior to recordation of any final tract/parcel map, or the issuance of any building permits, whichever occurs first, the applicant shall provide a stormwater quality control plan incorporating structural and non-structural Best Management Practices consistent with the SWRCB General Construction Permit and in accordance with the County's Drainage Area Management Plan and amendments thereto in a manner meeting the approval of the Manager, PDSD Subdivision & Grading Services Division, in consultation with the Managers, PFRD Programs/Development Division.*

#### **Mitigation Measure #6**

As required under the Orange County NPDES Stormwater Discharge Permit, the dischargers (which include the County of Orange) are required to develop and implement Best Management Practices (BMPs) to control the discharge of pollutants (refer to SC 3). According to the County NPDES permit, these BMPs shall be required of all new developments both during and after construction. Therefore, as described in the Refined MDRMP, this project will be required to demonstrate that the most appropriate and up-to-date BMPs are implemented in mitigating urban water quality impacts. These BMPs consist of both structural and non-structural measures, including detention basins, first flush diversion devices, porous pavements, public education, street sweeping, and neighborhood toxic waste collection plans. Implementation of the BMPs will be documented in the Site Specific Water Quality Management Plans (WQMP) which will be submitted prior to the recordation of a final tract/parcel map or issuance of a building or grading permit for each development (refer to SC 7). The BMPs shall incorporate the guidelines previously outlined in the Refined Master Drainage and Runoff Management Plan, Newport Coast Planned Community Development, and Orange County NPDES Stormwater Program, Drainage Area Management Plan meeting the approval of the Manager, PDSD Subdivision & Grading Services Division.

**6. WATER QUALITY. Would the project:**

- a) Violate any water quality standards or waste discharge requirements?*
- b) Substantially deplete groundwater supplies or interfere with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of a local groundwater table level?*
- c) Otherwise substantially degrade water quality?*

The proposed project would not violate any water quality standards or waste discharge requirements. As stated in the above Hydrology and Drainage Section, the project proponent is required to develop and implement Best Management Practices (BMPs) to control the discharge of pollutants. In addition, prior to issuance of any grading permit, the developer shall submit to the Manager, PDSD Subdivision & Grading Services Division, for review/approval, an Erosion Control Plan that shall identify site-specific measures for the control of siltation, sedimentation and other pollutants per the Orange County Grading and Excavation Code. Additional mitigation measures (beyond those listed in the above Hydrology and Drainage Section) are not required.

**7. TRANSPORTATION/CIRCULATION. Would the project result in:**

- a) Increased vehicle trips or traffic congestion beyond adopted policies and/or forecasts?*
- b) Exceed, either individually or cumulatively, a level of service standards established by the county congestion management agency for designated roads or highways?*
- b) Safety hazards from design features (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?*
- c) Inadequate emergency access of access to nearby uses?*
- d) Insufficient parking capacity on-site or off-site?*
- e) Hazards or barriers for pedestrians or bicyclists?*
- f) Conflicts with adopted policies supporting alternative transportation (e.g. bus turnouts, bicycle racks)?*
- g) Rail, waterborne or air traffic impacts?*
- h) Change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?*

**Traffic**

FEIR 544A analyzed traffic associated with the Phase III project. FEIR 569 analyzed traffic associated with the entirety of the development of Phases IV-3 and IV-4. Both documents concluded that no significant effect would occur with the incorporation of Orange County

Standard Conditions of Approval that address street design and right-of-way dedications. Since these phases involve primarily residential development and open space/recreation uses, the traffic generation remains relatively low.

The proposed project includes grading for the ultimate alignment of Ridge Park Road southerly of the Ridge Park/Vista Ridge intersection.

Revisions to the design of the project have not affected previous findings or conclusions.

The following Standard Conditions have been brought forward from FEIR 544A and FEIR 569 to address potential Traffic and Circulation impacts:

### **STANDARD CONDITIONS**

**SC 9 Access Rights.** *Prior to the recordation of a final tract/parcel map, vehicular access rights to all arterial highways shall be offered for dedication to the County of Orange, except for access locations approved by the County of Orange, and notes to this effect shall be lettered on the final map and approved by the Manager, PDSD Subdivision & Grading Services Division.*

**SC 10 Sight Distance.** *Prior to the issuance of any grading permits, adequate sight distance shall be provided at all street intersections per Standard Plan 1117, in a manner meeting the approval of the Manager, PFRD Program Development Division and at all driveways. This includes any necessary revisions to the plan such as removing slopes or other encroachments from the limited use area.*

**SC 11 Internal Circulation.** *Prior to the recordation of a final tract/parcel map or the issuance of any building permits, whichever occurs first, the subdivider shall provide plans and specifications meeting the approval of the Manager, PDSD Subdivision & Grading Services Division, for the design of the following improvements:*

1. *Internal street/private drive common system; and*
2. *Entrance to the site to emphasize that the development is private by use of signs and other features.*

*Prior to the issuance of any building permits, the subdivider shall provide plans meeting the approval of the Manager, PDSD Subdivision & Grading Services Division, for the design of the internal pedestrian circulation system within the development.*

*Prior to the issuance of any certificates of use and occupancy, the above improvements shall be constructed in a manner meeting the approval of the Manager, PFRD Construction Division. Further, a copy of the approved plans shall be furnished to the Manager, PDSD Building Inspection Services Division, prior to the issuance of any certificates of use and occupancy.*

**SC 12 Arterial Alignment.** *Notwithstanding the conceptual alignment of Ridge Park Road shown on the map, prior to the recordation of any subdivision map adjacent to said arterials, the applicant shall prepare necessary engineering plans to support establishment of the final*

*alignments for all arterial highways within the project limits. Said plans shall be provided and approved by the Manager, PDSD Subdivision & Grading Services Division.*

**8. AIR QUALITY. Would the project:**

- a) Exceed any SCAQMD standard or contribute to air quality deterioration beyond projections of SCAQMD?*
- b) Expose sensitive population groups to pollutants in excess of acceptable levels?*
- c) Alter air movement, moisture, or temperature, or cause any change in climate?*
- d) Create objectionable odors affecting a substantial number of people?*

Notwithstanding the tentative tract/parcel map, the internal drive way system and parking layout shall be reviewed and approved by the Manager, PFRD Program Development Division, when the site plan for this development is processed.

Both FEIR 544A and FEIR 569 conducted an air quality analysis and adopted findings of significance, based upon the presence of the site in the South Coast Air Basin, a non-attainment air basin. The findings noted significant project-related impacts regarding NOX and PM10 would occur. In addition, the findings noted cumulative impacts to air quality, as the Southern California air basin is a non-attainment basin.

The proposed revisions to the project, grading revisions and traffic generation are not expected to generate any significant air quality impacts beyond those previously identified and considered. The two previous documents remain adequate for the revised project.

The following mitigation measures have been brought forward from FEIR 544A to address Air Quality impacts.

**Mitigation Measure #7**

Prior to issuance of a grading permit, the project proponent shall submit to the Manager, PDSD Subdivision & Grading Services Division for approval a written list of instructions to be carried out by the construction manager specifying measures to minimize emissions by heavy equipment, which include but are not limited to: maintenance of all construction vehicles and equipment in accordance with manufacturers specifications, connection to existing electrical facilities near the project, use of electrically powered equipment, avoidance of allowing equipment to idle for extended periods of time and avoidance of causing unnecessary delays of traffic along on-site access roads as a result of heavy equipment blocking traffic.

**Mitigation Measure #8**

Prior to issuance of any grading permit, the developer shall ensure compliance with South Coast Air Quality Management District (SCAQMD) Rule 402 and 403, and Sub-article 13 of the Grading and Excavation Code to the Manager, PDSD Subdivision & Grading Services Division, and shall identify the dust suppression

measures, such as regular watering and early paving of the road, which shall be implemented to reduce emissions during construction and grading. This shall assist in reducing short-term impacts from particulates that could result in nuisances that are prohibited by Rule 403 and will also provide for effective planting, maintenance, irrigation, and seed germination by the project proponent prior to the rainy season in graded areas that would otherwise remain exposed.

Notations, included with other notations on the front sheet of grading plans, will be considered as adequate evidence of compliance with this measure.

#### **Mitigation Measure #9**

Prior to issuance of grading permits, or at a later date as deemed appropriate by the Manager, PDSD Subdivision & Grading Services Division, the project proponent shall submit an erosion control plan for his approval which shall include a discussion of measures for dust pollution and mitigation of erosion caused by wind and water. The plan shall also provide for effective planting, maintenance, irrigation, and seed germination by the project proponent prior to the rainy season in graded areas which would otherwise remain exposed in accordance with Subarticle 13 of the Grading and Excavation Code. This will reduce short-term impacts from particulates.

#### **Mitigation Measure #10**

Grading and excavation will be halted during periods of high winds. This will reduce short-term impacts from particulates.

Notations in the above format, included with other notations on the front sheet of grading plans, will be considered as adequate evidence of compliance with this measure.

### **9. NOISE would the project:**

- a) Increase existing noise levels?*
- b) Expose people to noise levels exceeding adopted County standards?*
- c) For a project located within an airport land use plan or, where such plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*

Noise for the project is projected to be similar to the noise estimated in the original approvals. The following Standard Condition and Mitigation Measures regarding noise will be required.

## **STANDARD CONDITIONS**

### ***SC 13 Construction Equipment***

- A. *Prior to the issuance of any grading permits, the project proponent shall produce evidence acceptable to the Manager, PDSD/Building Permits Services Division, that:*
1. *All construction vehicles and equipment, fixed or mobile, operated within 1,000 feet of a dwelling shall be equipped with properly operating and maintained mufflers.*
  2. *All operations shall comply with Orange County Codified Ordinance Division 6 (Noise Control).*
  3. *Stockpiling and/or vehicle staging areas shall be located as far as practicable from dwellings.*
- B. *Notations in the above format, appropriately numbered and included with other notations on the front sheet of grading plans, will be considered as adequate evidence of compliance with this condition (SC N10).*

### **Mitigation Measure #11**

Prior to the issuance of the first grading permits, the applicant shall ensure that the noisiest operations shall be arranged to occur together in the construction program (to the extent feasible) to avoid continuing periods of greater annoyance, meeting the approval of the Manager, PDSD Building Permit Services.

Notations in the above format, appropriately numbered and included with other notations on the front sheet of the grading plans, will be considered as adequate evidence of compliance with this measure.

## **10. BIOLOGICAL RESOURCES Would the project impact:**

- a) *Endangered, threatened or rare species or their habitats including, but not limited to, plants, fish, insects, animals and birds?*
- b) *Locally designated species e.g. heritage trees?*
- c) *Locally designated natural communities (e.g. oak forest, coastal habitat, etc.)?*
- d) *Wetland habitat e.g. marsh, riparian and vernal pool?*
- e) *Wildlife dispersal or migration corridors?*
- f) *Adopted conservation plans and policies (e.g. Natural Community Conservation Plan or Resource Management Plan)?*

Both Phase III and Phase IV-4 developments were designed with an appreciation for the Natural Communities Conservation Program. Both FEIR 544A and FEIR 569 incorporated the NCCP/HCP in their documents.

The Planning Area 15 project is anticipated to require the take of 23.6 acres of coastal sage scrub and 7.4 acres of cactus scrub. FEIR 544A determined that the habitat in Phase III should be considered either high or intermediate value, due to its composition and location. Therefore, under procedures adopted by the County, the project should implement mitigation measures, and mandatory findings as required in the Coastal/Central Subregional NCCP for the subject project.

## **PROJECT DESIGN PEATURES**

***PDF 7 Implementation of Resource Element Management Plan (REMP ).** The preservation of existing habitat, in designated open space areas, and revegetation to mitigate habitat losses due to construction/development within the Newport Ridge Planned Community, will be accomplished through the implementation of the mitigation measures contained in the Resource Element Management Plan (REMP) described below.*

*The REMP was prepared in order to implement specific mitigation measures included in certified FEIRs No. 517 and 544A. The basic framework of this document follows the County's REMP draft guidelines, and is designed to satisfy mitigation requirements by establishing an implementation strategy for natural resources with emphasis on biological resources. Maintenance and monitoring guidelines are also included in order to comply with the County of Orange Natural Resource Management Plan program, including Resource Element Amendment RES 89-1 (Res. No. 89-793), which requires preparation of REMPs where significant resources have been identified. The REMP has been approved by the County of Orange Planning Commission and Board of Supervisors.*

### **Mitigation Measure #12**

- A. As required by participation in the Natural Community Conservation Planning/Coastal Sage Scrub (NCCP) agreement signed by the County on May 1, 1992, prior to the issuance of any grading permit, the project applicant shall provide an accounting summary in acres, or portions thereof, of coastal sage scrub scheduled to be impacted by removal through grading meeting the approval of the Administrator, Nature Reserve of Orange County.
- B. Notwithstanding the tentative map, no grading will occur within the Natural Community Conservation Plan (NCCP) enrolled area except as in a manner meeting the approval of the Administrator, Nature Reserve of Orange County.

### **Mitigation Measure #13**

Prior to the commencement of grading operations or other activities involving significant soil disturbance, all areas of CSS habitat to be avoided under the provisions of the NCCP/HCP shall be identified with temporary fencing or other markers clearly visible to construction personnel. This fencing will be clearly marked on all grading plans. Additionally, prior to the commencement of grading operations or other activities involving disturbance of CSS, a survey will be



conducted to locate gnatcatchers and cactus wrens within 100 feet of the outer extent of projected soil disturbance activities, and the locations of any such species shall be clearly marked and identified on the construction/grading plans. This RPA will meet the approval of the Administrator, Nature Reserve of Orange County, prior to issuance of grading permits.

#### **Mitigation Measure #14**

A monitoring biologist, acceptable to US Fish and Wildlife Service/California Department of Fish and Game (USFWS/CDFG), will be on site during any clearing of CSS. The landowner or relevant public agency/utility will advise USFWS/CDFG at least seven (7) calendar days (and preferably fourteen [14] calendar days) prior to the clearing of any habitat occupied by Identified Species to allow USFWS/CDFG to work with the monitoring biologist in connection with bird flushing/capture activities. The monitoring biologist will flush Identified Species (avian or other mobile Identified Species) from occupied habitat areas immediately prior to brush clearing and earthmoving activities. If birds cannot be flushed, they will be captured in mist nets, if feasible, and relocated to areas of the site to be protected or to the NCCP/HCP Reserve System. It will be the responsibility of the monitoring biologist to assure that identified bird species are not directly impacted by brush clearing and earthmoving equipment in a manner that also allows for construction activities on Administrator, Nature Reserve of Orange County, prior to issuance of grading permits.

#### **Mitigation Measure #15**

Prior to the issuance of any grading permits, the applicant shall submit evidence to the Manager, PDSD Subdivision and Grading Services Division, that the applicant has obtained coverage under the NPDES statewide General Stormwater Permit from the State Water Resources Control Board.

#### **Mitigation Measure #16**

Some fuel modification zones shown go beyond the tract map boundary. Notwithstanding the tentative map, prior to the recordation of an applicable final tract map the fuel modification areas abutting open space areas shall be reviewed and approved by the Manager, PFRD Harbors, Beaches and Parks Division, as part of the urban edge treatment/landscaping plan, in consultation with the OCFA Fire Marshall and the Administrator, Nature Reserve of Orange County.

#### **Mitigation Measure #17**

Prior to the issuance of any grading permit or any activity that involves the removal of any native habitat including clearing, grubbing, mowing, discing, trenching, grading, fuel modification, or other construction-related activities, whichever occurs first, the applicant shall demonstrate to the Administrator, Nature Reserve of Orange County,

that a County Monitor and a Construction Monitor (i.e., qualified biologist, restoration ecologist, or arborist) have been retained to ensure implementation of restoration activities.

The County Monitor shall be on site during all phases of project implementation (i.e., grading, soil testing, archaeological testing, etc.) or as appropriate. The County Monitor shall have the authority to require additional resource management provisions as conditions warrant (e.g., replacement of vegetative resources approved to remain that were damaged by construction activities, modifying performance standards, requiring new restoration techniques, etc.).

The County Monitor shall have ultimate authority over the Construction Monitor and/or any natural resource specialists or restoration ecologists, etc. The County Monitor shall be present at all pre-grading and pre-construction meetings and shall have the authority to temporarily direct, divert, or halt grading and construction activities to allow sufficient time to assess resource issues and recommend appropriate remedies. The Construction Monitor shall prescribe an appropriate action/remedy and the County Monitor shall review and concur in the proposed action/remedy unresolved issues shall be referred to the Administrator, Nature Reserve of Orange County for final decision.

The project applicant will retain a Construction Monitor (biologist or other qualified professional) to ensure that resource protection measures are implemented. The Construction Monitor and/or natural resource specialist or restoration ecologist, in consultation with the County Monitor, shall prepare and submit periodic reports to the Administrator, Nature Reserve of Orange County, the CDFG, and the USFWS as specified by the approved Interim Habitat Loss Mitigation Plan.

### **Mitigation Measure #18**

The project is anticipated to require the take of several acres of coastal sage scrub and cactus scrub prior to the completion of construction activities. The Coastal/Central Subregional NCCP has completed a universally accepted analysis of relative habitat values in the Subregion.

- Prior to the issuance of any grading permit or any activity that involves the removal of coastal sage scrub habitat including clearing, grubbing, mowing, discing, trenching, grading; fuel modification, or other construction related activities, whichever occurs first, a detailed plan shall be prepared with input by a qualified restoration ecologist and submitted to the Administrator, Nature Conservancy of Orange County, for review and approval in compliance with the NCCP coastal sage scrub Habitat Loss Process and Federal Endangered Species Act (ESA) 4(d) Special Rule for incidental take of the California gnatcatcher.
- All activities of any kind involving the removal of coastal sage scrub habitat shall be prohibited during the breeding and nesting season of the California gnatcatcher and Restoration measures to enhance the linkage between Los Trancos Canyon and

PA 20 shall be implemented in the first fall/winter season following the grading of these areas.

- The remedial grading area along the eastern side of is Trancos Canyon. This area is approximately 12.2 acres, including 5.5 acres beyond the project boundary.
- The remedial grading area southeast of the underground water tank at the terminus of Ridge Park Road. This area is approximately 0.6 acre.
- The graded slopes on the southerly side of Ridge Park Road, east of the intersection with "A" Street, as shown on the Tentative Tract Map. This area is approximately 5.5 acres.
- Graded slopes in PA 15 that are not in fuel modification zones or already being restored as part at other projects. These areas are approximately 2.1 acres.

The annual grassland (HCS habitat type 4.1) in the upper end of the ungraded "finger" that extends northerly from the upper end of Los Trancos Canyon. This area is approximately 3.7 acres.

The following mandatory findings as specified in the NCCP Process Guidelines must be made in the CEQA Resolution as well as resolutions associated with the adoption of any project involving the loss of CSS resources or affecting the County's NCCP program:

- a. The habitat loss does not cumulatively exceed the five percent guideline for loss of CSS within a subregion.
- b. The habitat loss will not preclude connectivity between areas of high habitat values.
- c. The habitat loss will not preclude or prevent the preparation of the subregional NCCP.
- d. The habitat loss will not appreciably reduce the likelihood of the survival and recovery of listed species in the wild.
- e. The habitat loss is incidental to otherwise lawful activity.

#### **Mitigation Measure #19**

Prior to issuance of the grading permit for development that impacts oak woodland habitat, the applicant shall prepare a plan at 1"=200" illustrating the replacement planting of coast live oaks, for review by the Manager, PFRD, HB&P Division. The plan shall be developed by a qualified professional who is familiar with the requirements of coast live oak revegetation programs. On-site mitigation is preferable to off-site replacement. Mitigation in open space areas within the

project boundaries may be appropriate (Mitigation Measure 4.8.2 from FEIR No. 517). These implementation details for oak replacement will be incorporated into the final IHLMP.

#### **Mitigation Measure #20**

Prior to approval of any grading permit, the developer shall prepare a program that shall be approved by the Manager, PDSD/Environmental & Project Planning Services Division, and includes either graphically, as notes on grading or building plans, as written construction instructions, or as otherwise deemed appropriate, the following:

- A. Prohibit the driving or parking of construction vehicles within the drip lines of the oak woodlands except where necessary to implement the approved grading plan;
- B. Avoid unnecessary driving in undisturbed areas outside grading limits;
- C. Do not remove brush beyond grading limits except where necessary; and
- D. Do not intentionally harass wildlife such as deer, foxes, coyotes, snakes, etc. (harassment includes shooting, throwing rocks, etc). (*Mitigation Measure No. 4.4.3 from FEIR No. 517*).

#### **Mitigation Measure #21**

Prior to the issuance of any grading permit or any activity that involves the removal of any native habitat including clearing, grubbing, mowing, discing, trenching, grading, fuel modification, or other construction-related activities, whichever occurs first, the applicant shall demonstrate to the Manager, PDSD/Environmental & Project Planning Services Division that a County Monitor and a Construction Monitor (i.e., qualified biologist, restoration ecologist, or arborist) have been retained to ensure implementation of the IHLMP and other restoration activities.

The County Monitor shall be on site during all phases of project implementation (i.e., grading, soil testing, archaeological testing, etc.) or as appropriate. The County Monitor shall have the authority to require additional resource management provisions as conditions warrant (e.g., replacement of vegetative resources approved to remain that were damaged by construction activities, modifying performance standards, requiring new restoration techniques, etc.).

#### **Mitigation Measure #22**

- All activities of any kind involving the removal of coastal sage scrub habitat shall be prohibited during the breeding and nesting season of the California gnatcatcher and cactus wren (February 15 through July 15, or as specified by the USFWS).

- Restoration measures to enhance the linkage between Los Trancos Canyon and PA 20 shall be implemented in the first fall/winter season following the grading of these areas. Specific areas to be restored include approximately 26.7 acres in the following areas, which are shown on Figure 4.8.8. (i.e., "Potential Revegetation Sites" and "Habitat Enhancement" areas):
- The remedial grading area along the eastern side of is Trancos Canyon. This area is approximately 12.2 acres, including 5.5 acres beyond the Phase III project boundary.
- The graded slopes an the southerly side of Ridge Park Road, east of the intersection with "A" Street, as shown on the Tentative Tract Map shown in Figure 3.3.4 of the EIR. This area is approximately 5.5 acres.
- Graded slopes in PA 15 that are not in fuel modification zones or already being restored as part at other projects. These areas are approximately 4.1 acres.

#### **11. AESTHETICS Would the project:**

- Affect a scenic vista or view open to the public?*
- Affect a designated scenic highway?*
- Substantially degrade the existing visual character or quality of the site and its surroundings?*
- Create light or glare beyond the physical limits of the project site?*

Certified FEIR 544A analyzed the aesthetic impacts associated with the development of Phase III. Final EIR 569 analyzed the aesthetic impact of the development of Phases IV-3 and IV-4. In addition, a finding was made that the irreversible change of the land use from open space to development will be cumulatively significant to the aesthetic character of the area and a Statement of Overriding Considerations was adopted.

#### **Mitigation Measure #23**

Prior to the issuance of any grading permit, a revegetation plan shall be submitted to and approved by the Manager, PDSD Subdivision & Grading Services Division. This plan will provide for revegetation of all graded and cut and fill areas where structures or improvements are not constructed within a two-year period. The revegetation will be composed of drought adaptive plant materials, including but not limited to California buckwheat, coyote bush or native grasses. If native species are not used, non-invasive, drought tolerant species will be used. If irrigation is required, drip systems shall be installed where feasible.

## **12. CULTURAL/SCIENTIFIC RESOURCES**

- a) Disturb archaeo or paleo resources?*
- b) Affect historical resources?*
- c) Have the potential to cause a physical change which would affect unique ethnic cultural values?*

FEIR No. 544A identified a total of 17 prehistoric and one historic archaeology site occur within Phase III project area. If necessary, the following standard conditions will ensure the proper retrieval and protection of cultural resources.

### **STANDARD CONDITIONS**

*SC 14 Prior to the issuance of a grading permit, the project applicant shall provide written evidence to the Manager, PDSD Subdivision & Grading Services Division, that a County certified archaeologist has been retained, shall be present at the pre-grading conference, shall establish procedures for archaeological resource surveillance, and shall establish in cooperation with the project developer, procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of the artifacts as appropriate. If additional or unexpected archaeological features are discovered, the archaeologist shall report such findings to the project developer and to the Manager, PFRD Harbors, and Beaches & Parks Division. If the archaeological resources are found to be significant, the archaeological observer shall determine appropriate actions, in cooperation with the project developer, for exploration and/or salvage.*

*Prior to the issuance of a precise grading permit, the archaeologist shall submit a follow-up report to the Manager, PFRD Harbors, Beaches & Parks Division, which shall include the period of inspection, an analysis of any artifacts found, and the present repository of the artifacts. Excavated finds shall be offered to the County of Orange, or its designee, on a first refusal basis. Applicant may retain said finds if written assurance is provided that they will be properly preserved in Orange County, unless said finds are of special significance or a museum in Orange County indicates a desire to study and/or display them at this time, in which case items shall be donated to the County, or designee. These actions, as well as final mitigation and disposition of the resources, shall be subject to the approval of the Manager, PFRD Harbors, and Beaches & Parks Division.*

*SC 15 Prior to the issuance of a grading permit, the project applicant shall provide written evidence to the Manager, PDSD Subdivision & Grading Services Division, that a County certified paleontologist has been retained to observe grading activities and salvage and catalogue fossils as necessary. The paleontologist shall be present at the pre-grading conference, shall establish procedures for paleontological resource surveillance, and shall establish, in cooperation with the project developer, procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of the fossils. If major paleontological resources that require long-term halting or redirecting of grading are discovered, the paleontologist shall report such findings to the project developer and to the Manager, PFRD Harbors, and Beaches & Parks Division. The paleontologist shall determine*

*appropriate actions, in cooperation with the project developer, which ensure proper exploration and/or salvage.*

*Excavated finds shall be offered to the County of Orange, or its designee, on a first refusal basis. Applicant may retain said finds if written assurance is provided that they will be properly preserved in Orange County, unless said finds are of special significance or a museum in Orange County indicates a desire to study and/or display them at this time, in which case items shall be donated to the County or designee. These actions, as well as final mitigation and disposition of the resources, shall be subject to approval by the Manager, PFRD Harbors, and Beaches & Parks Division. Prior to the issuance of a precise grading permit, the paleontologist shall submit a follow-up report for approval by the Manager, PFRD Harbors, Beaches & Parks Division, which shall include the period of inspection, a catalogue and analysis of the fossils found, and present repository of the fossils. Monthly grading observation reports shall be submitted to the grading inspector on all projects that exceed 100,000 cubic yards, unless no earthwork has been done during the month. These reports shall include the period of inspection, the list of fossils collected, and their present repository.*

**13. RECREATION. Would project:**

- a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration or the facility would occur or be accelerated?*
- b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*
- c) Conflict with adopted recreational plans or policies?*

Recreation impacts will be less with the revised project than the original approvals. The revisions remain within the scope of FEIR 544A. Additional mitigation measures are not required.

**14. MINERAL RESOURCES. Would the project:**

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*
- b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*

The proposed project will utilize the energy saving techniques contained in Title 24 of the California Code of Regulations and in the County's Building Code. Additional mitigation measures are not warranted.

**15. HAZARDS. Would the project:**

- a) Create a hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*
- b) Create a hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*
- c) Exposure of people to existing sources of health hazards?*
- d) For a project located within an airport land use plan or, where such plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?*
- e) For a project within the vicinity of private airstrip, would the project result in a safety hazard for people residing or working in the project area?*
- f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*
- g) Expose people or structures to a significant risk or loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?*

The proposed revised project does not create any hazards beyond those previously identified with Phase III and Phase IV-4 approvals. The design and layout do not put pedestrians or equestrians at any elevated risk. A fuel modification plan is included in the CDP to address the risk of wildland fires. Mitigation measures beyond those addressed in FEIR No. 544A and FEIR No. 569 are not required.

**16. PUBLIC SERVICES. Would project result in need(s) for new/altered government facilities/services in:**

- a) Fire protection?*
- b) Police protection?*
- c) Schools?*
- d) Maintenance of public facilities, including roads?*
- e) Other government services?*

FEIR 544A and FEIR 569 noted that all public services including police/sheriff, fire, solid waste disposal, water and sewer would be adequately accommodated by the existing or already planned facilities from the various providers. Arrangements for fees for the facilities have been made with the earlier entitlements for Newport Coast. No mitigation measures are required for rough grading. The mitigation below regarding fuel modification is carried over from previous environmental documents.

**Mitigation Measure #24**

- A. Prior to the issuance of a preliminary grading permit, the applicant shall obtain approval of the Fire Chief, in consultation with the Managers, PDSD



Environmental and Project Planning Services, Current Planning Services and Subdivision and Grading Services of a conceptual fuel modification plan and program.

- B. Prior to the issuance of any precise grading permit, the applicant shall obtain the approval of the Fire Chief, in consultation with the Managers, Environmental and Project Planning Services, Current Planning Services, and Subdivision and Grading Services of a precise fuel modification plan and program. The plan shall indicate the proposed means of achieving an acceptable level of risk to structures by vegetation.

**17. UTILITIES. Would project result in needs for new or substantial alterations in:**

- a) Power or natural gas?*
- b) Communications systems?*
- c) Local or regional water treatment or distribution facilities?*
- d) Sewer or septic tanks?*
- e) Solid waste disposal?*

Utilities have been arranged to be provided by Pacific Bell and General Telephone, Southern California Edison, Southern California Gas and Cox Communication. No provisional deficiencies have been noted. No mitigation measures are necessary.

**II. DETERMINATION:**

**A. CEQA MANDATORY FINDINGS:**

1. **Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of fish and wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of an endangered, rare or threatened species, or eliminate important examples of the major periods of California history or prehistory?**

FEIR 544A, FEIR 569 and the 7<sup>th</sup> Amendment MCDP Appeal of the California Coastal Commission identify several biological resources of concern. Project Design Features (PDFs), Orange County Standard Conditions of Approval (SC) and Requirements of Previous Approvals (RPAs) were adopted as conditions and were included in the mitigation monitoring program. These RPAs were analyzed and found to reduce impacts to below a significant level.

Statement of Findings and Fact that was adopted along with the certification of Final EIRs 544A and 569 by Planning Commission Resolutions and the Approval of the 7<sup>th</sup> Amendment, as revised and conditioned, by the Coastal Commission reaffirm the fact that potential impacts have been reduced to below the level of significance.

**2. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?**

The project will meet both the long-term and short-term goals by mitigating potential impacts through Project Design Features, Standard Conditions of Approval and Mitigation Measures.

**3. Does the project have impacts that are individually limited, but cumulatively considerable?**

The project will result in cumulatively significantly impacts in the areas of Air Quality, Landform Alteration and Aesthetics. These impacts are documented in Final EIRs 544A and 569 These are documented in the Statement of Findings and Fact and the Statement of Overriding Considerations. The impacts were also addressed by the California Coastal Commission in its consideration of the 7<sup>th</sup> Amendment MCDP Appeal.

**4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?**

No adverse effects on humans or otherwise are noted as a result of project implementation.

**B. PDSF FINDINGS & DETERMINATION:**

Based upon the evidence in light of the whole record documented in the attached environmental checklist explanation, cited incorporations and attachments, the County of Orange Planning & Development Services Department makes the following Findings:

- 1.** The proposed project has previously been analyzed as part of earlier CEQA documents, most notably Certified FEIR 544A and Certified FEIR 569.
- 2.** The proposed project is a component of the whole actions analyzed in previously adopted/certified CEQA document Certified FEIR 544A and Certified FEIR 569 adopted by the Orange County Planning Commission.
- 3.** In accordance with Guidelines Sec. 15063, an Expanded Initial Study/Addendum was completed on the subject project by the Environmental and Project Planning Services Division (EPPSD) and it was determined that Certified FEIR 544A and Certified FEIR 569 adequately analyzed the previously approved projects, Newport Coast Phase III, and Phase IV-4 (Master Coastal Development Permit, 7<sup>th</sup> Amendment). Although the proposed project proposes some changes from the original approvals, no substantial changes have occurred with respect to the project description, the circumstances surrounding the project, no new information that would substantially affect the validity of the EIR has become available.
- 4.** The proposed revisions to the project do not raise important new issues about the significant effects on the environment. The revised project reflects refinements required by the California Coastal Commission.

5. There is no substantial evidence that the project, as mitigated by the Project Design Features (PDFs), Standard Conditions of Approval (SC) and Mitigation Measures (MM) required in Certified FEIR 544A and Certified FEIR 569, as supplemented by the 7<sup>th</sup> Amendment MCDP Appeal of the California Coastal Commission Number A5-IRC-99-301, would have significant adverse effects on the environment (§15070) beyond those identified in FEIR 544A and FEIR 569.
6. FEIR 544A was certified as a Program EIR for Phase III of the Newport Coast Planned Community/Local Coastal Program. FEIR 569 was certified as a Program EIR for the development of Phase IV-3 and Phase IV-4 of the Newport Coast Planned Community. The certification of a Program EIR is recognition of the continuing utility of such a document for later approvals. The Program EIR approach specifically provides for those types of exhaustive analyses that result in programs for environmental mitigation that can be carried out through the life of a project. The programs of mitigation measures are drafted in such a way as to insure the integrity of the environmental parameters set by the original EIR and its associated findings.
7. The §21166 test provides evidence under state law on the question of whether a new environmental document is necessary. This test is a tangible one, and does not challenge the age of a document, only provides the criteria to test its continuing accuracy and utility.
8. The County of Orange has determined that the 7<sup>th</sup> Amendment MCDP Appeal of the California Coastal Commission Number A5-IRC-99-301 constitutes a substitute document for a CEQA document, based upon the fact that the Appeal incorporated the requirements of CEQA regarding analyzing and mitigating potential impacts on the environment.
9. This revised project is covered by previously Certified FEIR 544A, FEIR 569, and the approval of the 7<sup>th</sup> Amendment MCDP by the California Coastal Commission (Number A5-IRC-99-301). These documents, and this Addendum serve as adequate CEQA documentation for the Site Development Permits (SDP) and Grading Permits related to the ultimate uses and developments of Planning Area PA 15 of the Newport Ridge Planned Community.

**BY:** \_\_\_\_\_

Trish McNally, Chief  
Environmental and Project Planning Services Division

**DATE:** \_\_\_\_\_